**HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION No.15538 of 2006**

**Date : 28-07-2006**

Between:

Janagani Venkataiah

… Petitioner/s

and

The Managing Director,
A.P.S.R.T.C., Musheerabad,
Hyderabad and others.

…Respondent/s

**HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION No.15538 of 2006**

**O R D E R :**

This writ petition is filed seeking mandamus declaring the action of the respondents in compulsorily retiring the petitioner from service vide Proceedings No.E2/756(4)/2004, WL-I,
dated 15-7-2004 without due consideration to the representations submitted by the petitioner for alternative employment under the provisions of the Persons with Disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995 (for brevity 'the Act') or for compassionate appointment to his children, as illegal and arbitrary and consequently direct the respondents to appoint his son on compassionate grounds, in case of not providing alternative employment to the petitioner.

It is the case of the petitioner that he joined as Driver in the respondent Corporation on 16-3-1979. While working in the third respondent Depot, on 27-10-2003 while driving the Bus, the petitioner lost control of his hand and leg and was shifted to a private Hospital for treatment. Subsequently, on referring to the Board Hospital at Tarnaka, the Doctors found that he was affected with paralysis and unfit for the post of Driver. Accordingly, through the impugned orders dated 15-7-2004 the petitioner was compulsorily retired from service

without there being any alternative employment or compassionate appointment to his children. In spite of making repeated representations to the respondent on 14-7-2004, 9-6-2005 and 14-2-2006 for providing alternative employment under the Act or for compassionate appointment to his son, none of the representations were considered. Hence the present writ petition.

Heard learned counsel for the petitioner and the learned standing counsel for the respondents Corporation.

A Division Bench of this Court in ***N.Siva Kumar v. APSRTC, Musheerabad, Hyderabad***[1] considered similar issue and directed the respondent authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under:-

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

In the present case, the representations made by the petitioner, seeking alternative employment as per Section 47 of the Act are said to be pending consideration before respondents. Hence, I deem it

appropriate to dispose of the writ petition directing respondents to consider the representations of the petitioner and pass appropriate speaking orders in accordance with law, particularly in the light of Section 47 of the Act, expeditiously.

With the above direction, the writ petition is disposed of.

No costs.

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N.V. RAMANA, J

28-07-2006.
Msr.

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28-07-2006
(Msr)

[1] 2001 (3) ALD 166 (DB)